IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVN.APPLN.NO.458 OF 2006

Bharat A.Patel ..Applicant

Vs.

Balkrishna Industries
Ltd. and Anr. ..Respondents

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Mr.S.V.Marwadi Advocate with Ms.Sunita Sharma
Advocate for Applicant
Mr.N.S.Das Advocate for Respondent No.1
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 26, 2007

P.C.

1. Heard the learned advocate for the applicant-original accused, the learned advocate for the Respondent No.1-original complainant and the learned A.P.P. for the State.

2. The applicant-original accused is facing prosecution in a case under Section 138 of Negotiable Instruments Act. The said matter was pending before the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai. During the pendency of the matter before the learned Magistrate, Transfer Application came to be moved before the learned Chief Metropolitan Magistrate. The said

application came to be rejected. The said order was challenged before the learned Sessions Judge who rejected the same. Being aggrieved thereby, this revision has been preferred before this Court. It is an admitted fact that the ground on which the Transfer Application for transfer of the case No.1281/S/1997 was preferred, does not survive today. In this view of the matter, I do not find it necessary to entertain the application on this ground.

3. However, it may be stated that during the pendency of this matter before this Court, the parties have arrived at settlement and admittedly, the cheque amount and interest thereon has been paid to the Respondent-original complainant. However, the complainant was seeking additional interest in view of clause 5 of the said consent terms which had been filed by the parties before the learned Metropolitan Magistrate. The parties have decided to settle the amount of additional interest at Rs.1,25,000/-. Mr.Marwadi, the learned advocate for the applicant has got Demand Draft in the sum of Rs.50,000/- today drawn in the name of Registrar of this Court. He states that he will

deposit the said Demand Draft with the Registry of this office within four days from today. As far as remaining amount of Rs.75,000/- is concerned, Mr.Marwadi states that time be given upto 16.8.2007 to the applicant to deposit the said amount in this Court. The learned advocate for the Respondent No.1-complainant states that if the complainant is allowed to withdraw the amount of Rs.50,000/- which is being deposited in this Court, he has no objection to the time being granted upto 16.8.2007. In this view of the matter, on deposit of the amount of Rs.50,000/- before this Court, the complainant is permitted to withdraw the said amount of Rs.50,000/-. If the amount of Rs.75,000/- is deposited by the applicant before this Court by 16.8.2007, the matter shall stand compounded between the parties and criminal proceedings shall stand quashed. On deposit of balance amount of Rs.75,000/- the respondent No.1-complainant would be at liberty to withdraw the said amount. It is made clear that if there is any default in depositing amount of Rs.75,000/- before this Court by 16.8.2007, this order quashing the proceedings shall stand automatically vacated and the trial Court shall proceed with the trial.

4. Revision is disposed of in the above terms.

[SMT.V.K.TAHILRAMANI, J.]